

# **From Disability Studies to Critical Race Theory: Working Towards Critical Disability Theory**

Tonette S. Rocco

Florida International University, USA

Disability has been isolated in the specialized applied fields where specific disabilities are overemphasized as explanatory variables and organizing schemes. Using specific disability as an organizing variable continues the objectification and medicalization of disabled people silencing voices and perpetuating invisibility (Linton, 1998). Adult educators conduct research based on specific impairment such as HIV/AIDS (Courtenay, Merriam, & Reeves, 1998), learning disabilities (Jordan, 1996; Ross-Gordon, 1989), Deaf/Hard of Hearing (Clark, 2002), and heart disease (Wise, Yun, & Shaw, 2000). This research is frequently done from the perspective of the medical or economic models and few adult educators situate research on disability in critical theory. Disability is seen as an unfortunate condition, not socially constructed in the way we know race, gender, and class to be. Disability has fluid boundaries intersecting our other identities, yet, adult educators discuss disability as an organizing variable rarely troubling the concept of disability as a social construct. The purpose of this paper is to present a theoretical discussion of disability that builds a foundation for critical disability theory. Critical disability theory borrows from disability studies, the comprehensive theory of disability oppression (Charlton, 1998), and the tenants of critical race theory (Delgado & Stefanic, 2001).

## **Disability Studies**

Disability studies is “a location and means to think critically about disability” (Linton, 1998, p. 1) where critical divisions in society such as “normal vs. pathological, the insider vs. the outsider, or the competent citizen vs. ward of the state” can be explored (Linton, 1998, p. 2). A sociopolitical analysis reframes disability as a designation with political and social significance locating disability as a problem manufactured by society and outside the individual. The analysis is based on three distinct traditions. The first tradition is American functionalism, which sees disability as not functional and not able, “an inevitable outcome of the evolution of contemporary society” (Barnes, 1998, p. 69). In the Middle Ages disability was not a discrete construct, instead it was indistinguishable from other miseries (Hayman & Levit, 2002); all family members were expected to contribute to the family unit in meaningful ways. During the Enlightenment, disability became organized, categorized, and treated. Beginning with the industrial age, people with disabilities became a surplus people, having diminished capacity to make decisions and to contribute to society. The second tradition is the role of culture and society in the social construction of identity. Handicaps are a function of society’s attitudes and structures and are not the result of individual biological or cognitive differences (Oliver, 1996). Society is the problem: creating inaccessible environments and nurturing stigma (Berg, 1999). The third tradition stems from the work of Marx and the notions of historical materialism and alienation. Alienation is internalizing oppression to the point that individuals feel isolated from similar others and powerless to change their condition.

## **The Comprehensive Theory of Disability Oppression**

Disability scholars (Charlton, 1998; Gleeson, 1999; Linton, 1998) explain oppression using Young’s (1990) five faces of oppression, which are *exploitation* (occurs within the process of labor), *marginalization* (the inability or unwillingness of the system to incorporate the group

into political, economic, and cultural life), *powerlessness* (lack of authority over one's own life), *cultural imperialism* (demeaning of the group by majority values), and *violence* (random or organized attacks on members of a group). An example of exploitation is the workshops/sweatshops where some disabled people work. This becomes a human rights issue when considering the poverty, isolation, indignity, and forced dependence of disabled people (Charlton, 1998). Dependence is forced when the person does not want to live in a nursing home, but is required by the state to do so in order to receive medical benefits. Marginalization occurs in very real ways when people cannot get into public spaces or materials are inaccessible. Powerlessness occurs when others assume decision-making authority over the disabled person, when civil rights are assumed not desired by disabled people, and when employment is denied based on erroneous notions of capability. Cultural imperialism occurs when disabled people are reduced to asexual beings, assumed to be childlike, and incapable of taking care of themselves. Evidence of violence against disabled people is historic as in the eugenics movement or forced sterilization and current as in incidents of sexual assault in nursing homes (Russell, 1998).

Building on Young's (1990) work, Charlton (1998) proposed a comprehensive theory of disability oppression as "when individuals are *systematically* subjected to political, economic, cultural, or social degradation" (Charlton, 1998, p. 8) because of group membership. Domination is organized and reproduced to reinforce the normality of the domination. At the same time domination compresses difference into a dichotomy of normal and superior versus abnormal and inferior. The fundamental concepts of the theory are: (a) political economy, (b) culture(s) and belief systems, (c) (false) consciousness and alienation, and (d) power and ideology (Charlton, 1998). *Political economy* has at its core issues of class. Everyday life is informed by where and how individuals "are incorporated into a world system dominated by the few that control the means of production and force" (Charlton, 1998, p. 23). The political economic system is dominated by a few insiders who determine who survives and prospers, and has control and power. Disabled people are decidedly outcasts, surplus labor, and declassified. Under ordinary circumstances, disabled people will not be used to produce, exchange, and distribute political and economic goods and services. *Culture and belief systems* include attitudes, which "are almost universally perjorative" (Charlton, 1998, p. 25). The attitude that disability is abnormal and pitiful form the basis of the classification system used in all areas of life. Culture is not static and is influenced continually by history, politics, economy, and institutions. For instance, "ideas and beliefs are informed by and in cultures and that cultures are partial expressions of a world in which the dualities of domination/subordination, superiority/inferiority, normality/abnormality are relentlessly reinforced and legitimized" (Charlton, 1998, p. 26). *False consciousness and alienation* are the third concepts. Alienation is the internalization of the notion that "they are less normal, less capable than others" (Charlton, 1998, p. 27). This self-annihilation prevents disabled people from "knowing their real selves, their real needs, and their real capabilities" (Charlton, 1998, p. 27) and therefore not recognizing their options. Consciousness informs being when an individual becomes critically aware of the social conditions, opportunities, and oppressive forces that exist. *Power and ideology* organize the way in which the world is experienced through social, political, and economic systems. Power is hierarchical. The dominant class maintains power by using it to maintain order through the capacity to cause events and to control resources (Clegg, 1989). Education is useful in maintaining the dominant power structure through "teaching acquiescence to power structures" (Charlton, 1998, p. 31) in education and work. Education institutions support oppressive structures by separating and labeling disabled students from non-disabled students, through separate structures (entry points, classrooms) and specially

designed curricula, and through “testing and evaluation biased toward the functional needs of the dominant culture” (Charlton, 1998, p. 33).

### **Critical Race Theory**

Critical race theory is a movement that emerged from Critical Legal Studies, an analysis of the law questioning “the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law” (Delgado & Stefania, 2001, p. 3). Critical race theory (CRT) has six themes 1) racism is endemic and ordinary, 2) material determinism--our system of white over color serves important material and psychic purposes, 3) social construction of race, 4) differential racialization—different minority groups are racialized at different times depending on economic need, 5) the notion of intersectionality and anti-essentialism or that individuals do not have unitary identities, and 6) a unique voice of color which exists because of historical and current oppression and can communicate to whites stories whites are unlikely to know (Delgado & Stefania, 2001).

Critical race theory begins with the notion of legal indeterminacy; the idea that legal cases can be decided in more than one way depending on which line of authority or interpretation of fact is emphasized. The concept of discrimination may be examined from the perspective of the victim or the perpetrator (Freeman, 1995). From the victim perspective discrimination will not be eliminated until the conditions associated with it are changed. The perpetrator perspective sees discrimination as a series of actions inflicted on the victim by the perpetrator. Perpetrators are “atomistic individuals whose actions are outside of and apart from the social fabric and without historical continuity” (Freeman, 1995, p. 30). In other words current legal theory recognizes acts of discrimination as isolated events and the misguided conduct of an individual. If discriminatory action is treated as an aberrant behavior (i.e. racism is an isolated phenomenon) then the victim’s condition cannot be changed because society is denying the history, norms, and social policy that support discriminatory acts.

Two notions, fault and causation, are central to the perpetrator perspective. Under the notion of fault, the purpose of the law is to punish those individuals who are violating the shared societal norm of non discrimination. Discrimination must be an intentional action accompanied by a desire to discriminate (Freeman, 1995). If someone can show that the discriminatory conduct was not intentional and was done for no good reason or no reason at all responsibility can be avoided. The causation requirement separates the conditions that the law will address from the “totality of conditions that a victim perceives to be associated with discrimination” (Freeman, 1995, p. 30). Instances of discrimination can be seen as accidental if not linked to any apparent discriminatory effect. These two requirements of fault and causation place the burden of proof on the victim who must isolate the particular behavior and demonstrate intent.

### **Critical Disability Theory**

This conceptualization of critical disability theory is built on the work of disability scholars and borrowed from the work of CRT. The principles are: (a) disabled people have a unique voice and complex experience (Gleeson, 1999); (b) disability should be viewed as part of a continuum of human variation (Asch, 2001); (c) disability is socially constructed (Oliver, 1990); (d) ableism is invisible; (e) disabled people have a right to self-determination (Gorman, 2000); and (f) the commodification of labor and disability as business combine to maintain a system of poverty and isolation (Albrecht, 1992). *Disability has a unique voice and complex experience.* Disabled people’s voices are not heard because they are not asked or are ignored.

The complex experience of disability is reduced to one characteristic—the label for the specific impairment. The specific impairment becomes the defining characteristic for what the person can do and what is [not] possible. While disability scholars have “fought hard to get disability included in the race-class-gender triad” (Davis, 2001, p. 535). In order to theorize disability as a public issue it must become as visible as race, class, and gender. *Disability exists on a continuum of human variation*. “...the politics of disablement is about far more than disabled people; it is about challenging oppression in all its forms. Indeed, impairment is not something which is peculiar to a small section of the population; it is fundamental to the human experience” (Barnes, 1996, p. xii). Asch (2001) proposes a human variation approach suggesting that instead of maintaining the dichotomy--disabled or not disabled--we should determine how to modify the environments so that they are not disabling and consider a continuum of abilities. *Disability is social constructed*. Disability is socially constructed what disables is the created environment not the physical, cognitive, or mental variation of an individual (Hahn, 1988), the objectification of disabled people, and their portrayal as victims (Linton, 1998; Oliver, 1996). Public attitudes as well as physical space inside and outside of buildings make up the environment. The organization of public space is driven by private and public attitudes about disability. For example, when architects decided on the standard size for a door they did this based on the size of a ‘normal’ man. Just as easily, the architecture field could have made the standard door size the width of a wheelchair. The norm would have shifted if the majority of people used wheelchairs. If the standard were changed to include disability as part of the equation rather than an exception, society would benefit because exceptions are always more costly. *Ableism is invisible*. Discrimination against disabled people is so ordinary that it is invisible meaning one’s experiences are not even considered an inconvenience. They are simply not considered at all. For example, in higher education disabled people must go to an office serving disabled students verify disability status and request accommodations. Disabled students after speaking to the instructor have been refused permission to record classes, accused of lying about the disability, or made to feel inadequate in other ways. Non-disabled students never ask and are rarely denied the opportunity to record a class. Disabled students are assumed lazy and incompetent by virtue of an accommodation request and treated as if they are ‘getting over on the system’ while, non-disabled students who do the same thing without asking for permission are considered good hard working students. Discrimination is invisible to the perpetrator yet painfully felt by the victim (Freeman, 1995). *Self-determination is a right*. Disability should be recognized with true minority group status, instead of viewed as an individual anomaly. Self-determination is “control over one’s life based on the choice of acceptable options that minimize reliance on others making decisions and in performing everyday activities” (National Council for the Handicapped, 1983, p. 3). This would include choice over living arrangements and the right to work through integration and independence (Charlton, 1998). *Commodification reduces economic opportunities*. The dominant group reproduces discrimination through cultural and political structures, which support the material exploitation and physical marginalization of disabled people (Gleeson, 1999). The commodification of labor and disability as a business combine to maintain a system of poverty and isolation. Institutional structures that prevent “serious struggle for the right to paid, integrated employment and full participation in the mainstream of life” (Oliver, 1996, p. 24) should be examined and resisted. After deducting the costs of maintaining paid employment (i.e., special transportation), two perverse consequences can be the result: net wages may be low or negative and state health benefits may be reduced or eliminated (Gleeson, 1999). Transportation would not be deemed special if disabled people were not historically

invisible to the transportation system. Another consequence of paid employment is to be underpaid in terms of what the same work would be worth if done by an able-bodied person (Gorman, 2000; Oliver, 1996). The disability business requires disabled people to be dependent on the state so that institutional and community based residential facilities have clients/patients to serve (Albrecht, 1992). For instance state owned facilities charge an average annual cost of \$82,228 to house people with developmental disabilities while the most expensive support services would cost \$27,649 (Mouth, 1995). Specialized industries exist 'to serve' people with disabilities, that would not be necessary if disabled people were visible and considered viable contributors to society.

#### References

- Albrecht, G. L. (1992). *The disability business: Rehabilitation in America*. Sage Library of Social Research 190. Newbury Park, CA: Sage.
- Archer, R., & Stephenson, B. (1983). *The effects of empathy on perceptions of a self-discloser*. Paper presented at the Annual Convention of Southwestern Psychological Association 29th San Antonio, TX.
- Asch, A. (2001). Critical race theory, feminism, and disability: Reflections on social justice and personal identity. *Ohio State Law Journal*, 62 (1) 391-423.
- Barnes, C. (1996). Foreward. In J. Campbell & M. Oliver, (Eds.), *Disability politics: Understanding our past, changing our future* (pp. ix-xii). London: Routledge.
- Barnes, C. (1998). The social model of disability: A sociological phenomenon ignored by sociologists? In T. Shakespeare (Ed.), *The disability reader: Social Science Perspectives*. (pp. 66-78). London: Cassell.
- Berg, P. (1999). Ill/legal: Interrogating the meaning and function of the category of disability in antidiscrimination law. *Yale Law and Policy Review* 18, 1-51.
- Braithwaite, D. O., Emry, R. A., & Wiseman, R. L. (1984). *Ablebodied and disabled persons' communication: The disabled person's perspective*. Paper submitted to the Interpersonal Communication Division of the Western Speech Communication Association, Seattle, WA.
- Campbell J., & Oliver, M. (1996). *Disability politics: Understanding our past, changing our future*. London: Routledge.
- Charlton, J. I. (1998). *Nothing about us without us: Disability oppression and empowerment*. Berkeley: University of California Press.
- Clark, M. (2002). Do you hear what I see: Learning experiences of black men who are Deaf or hard of hearing. In J. M. Pettitt (Ed.), *Proceedings of the 43<sup>rd</sup> annual Adult Education Research Conference* (pp.79-84). Raleigh, NC: North Carolina State University.
- Courtenay, B. C., Merriam, S. B., & Reeves, P. M. (1998). The centrality of meaning-making in transformational learning: How HIV-positive adults make sense of their lives. *Adult Education Quarterly*, 48 (2), 65-84.
- Davis, L. J. (2001). Identity politics, disability, and culture. In G. L. Albrecht, K. D. Seelman, & M. Bury (Eds.), *Handbook of disability studies* (p. 535-545). Thousand Oaks, CA: Sage.
- Delgado, R. & Stefancic, J. (2001). *Critical Race Theory: An introduction*. New York: New York University Press.
- Freeman, A. D. (1995). Legitimizing racial discrimination through antidiscrimination law: A

- critical review of Supreme Court Doctrine. In K. Crenshaw, N. Gotanda, G. Peller, K. Thomas (Eds.), *Critical Race Theory: the key writings that formed the movement* (29-46). New York: The New Press.
- Gleeson, B. (1999). *Geographies of disability*. London: Routledge.
- Gorman, R. (2000). Research that hurts or research that helps? A critical framework for adult education inquiry and people with intellectual disabilities. In T. J. Sork, V-L. Chapman, R. St. Clair (Eds.), *Proceedings of the 41<sup>st</sup> Annual Adult Education Research Conference* (pp. 129-133). Vancouver, BC: The University of British Columbia.
- Hahn, H. (1988). The politics of physical differences: Disability and discrimination. *Journal of Social Issues*, 44(1), 39-47.
- Hayman, R. L. & Levit, N. (2002). Un-natural things: Constructions of race, gender, and disability. In F. Valdes, J. McCristal Culp, A. P. Harris (Eds.), *Crossroads, directions, and a new critical race theory* (pp. 157-186). Philadelphia: Temple University Press.
- Jordan, D. (1996). *Teaching adults with learning disabilities*. Malabar, FL: Krieger Publishing Co.
- Linton, S. (1998). *Claiming Disability: Knowledge and Identity*. New York: New York University Press.
- Mouth (1995). *What would you choose for this child?* Rochester, NY: Free Hand Press.
- National Council for the Handicapped, 1983, p. 3
- Oliver, M. (1990). *The politics of disablement*. New York: St. Martin's Press.
- Oliver, M. (1996). *Understanding Disability: From Theory to practice*. New York: St. Martin's Press.
- Priestly, M. (2001a). A brief note on terminology. In M. Priestly (Ed.), *Disability and the life course: Global perspectives*. xvii-xix Cambridge: Cambridge University Press.
- Priestly, M. (2001b). Introduction: the global context of disability. In M. Priestly (Ed.), *Disability and the life course: Global perspectives* (pp. 3-14) Cambridge: Cambridge University Press.
- Ross-Gordon, J. (1989). *Adults with learning disabilities: An overview for the adult educator*. (Information Series no. 337). Columbus, OH: ERIC Clearinghouse on Adult, Career, and Vocational Education, Center on Education and Training for Employment, The Ohio State University. (ERIC No. Ed 315 664).
- Russell, M. (1998). *Beyond ramps: Disability at the end of the social contract*. Monroe, ME: Common Courage Press.
- Thomas, C. (2003). *Defining a theoretical agenda for disability studies*. Keynot presented at Disability studies: Theory, policy and practice. Inaugural Conference of the Disabilities Studies Association. University of Lancaster, UK
- Wise, M., Yun, G. W., & Shaw, B. (2000). Mapping use of self-directed on-line heart disease education program onto health learning outcomes: A study of post heart attack learners. In T. J. Sork, V-L. Chapman, R. St. Clair (Eds.), *Proceedings of the 41<sup>st</sup> Annual Adult Education Research Conference* (pp. 507-512). Vancouver, BC: The University of British Columbia.
- Young, I.M. (1990). *Justice and the politics of difference*. Princeton, NJ: Princeton University Press.
- Zola, (1993). Self, identity and the naming question: Reflections on the language of disability. In M. Nagler (Ed.), *Perspectives on disability* (2<sup>nd</sup> ed., (pp. 15-23). Palo Alto, CA: Health Markets Research.